United Nations CRC/C/IDN/CO/3-4

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined third and fourth periodic reports of Indonesia*

1. The Committee considered the combined third and fourth periodic reports of Indonesia (CRC/C/IDN/3-4) at its 1890th and 1891st meetings (see CRC/C/SR.1890 and 1891), held on 5 June 2014, and adopted, at its 1901st meeting, held on 13 June 2014, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the combined third and fourth periodic reports of Indonesia (CRC/C/IDN/3-4) and the written replies to the list of issues (CRC/C/IDN/Q/3-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level, multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the adoption of the following legislative measures:

(a) Law No. 24 of 2011 on the Social Security Agency;

(b) Law No. 11 of 2012 on the Juvenile Justice System;

(c) Law No. 28 of 2008 on the Elimination of Racial and Ethnic Discrimination;

(d) Government Regulation No. 47 of 2008 on Compulsory Education;

(e) Law No. 17 of 2007 on the Long-term National Development Plan 2005–2025;

(f) Law No. 24 of 2013 on Population Administration, amending Law No. 23 of 2006;

(g) Law No. 12 of 2006 on Indonesian Citizenship;

* Adopted by the Committee at its sixty-sixth session (26 May – 13 June 2014).

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(h) Law No. 40 of 2004 on the National Social Security System;

(i) Revision of Article 43(1) of Law No. 1/1974 on Marriage, by Constitutional Court Decision No. 46/PUU-VIII/2010, expanding the legal status of children "born outside wedlock", on 17 February 2012.

4. The Committee also notes with appreciation:

(a) The ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in September 2012;

(b) The ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in September 2012;

(c) The ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in May 2012;

(d) The ratification of the Convention on the Rights of Persons with Disabilities, in November 2011;

(e) The accession to the International Covenant on Economic, Social and Cultural Rights, in February 2006.

5. The Committee also welcomes the large number of institutional and policy measures taken.

6. The Committee welcomes the State party's withdrawal of its declarations to articles 1, 14, 16, 17, 21, 22 and 29, of the Convention, in 2005.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)

The Committee's previous recommendations

7. While welcoming the State party's efforts to follow up the Committee's concluding observations of 2004 on its second periodic report (CRC/C/15/Add.223), the Committee notes with regret that some of the recommendations contained therein have not been fully addressed.

8. **The Committee urges the State party to take all necessary measures to address the recommendations contained in the concluding observations on its second periodic report under the Convention that have not been implemented or only partially addressed. In particular, the Committee reiterates its recommendations (CRC/C/15/Add.223, paras. 23, 25, 44, 52 and 72 (a)) that the State party:**

(a) Continue to upgrade its system of data collection to cover all areas of the Convention; ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention; widely circulate these statistics and information; and, in this respect, continue its collaboration with, among others, the United Nations Children's Fund (UNICEF);

(b) Strengthen its measures regarding the dissemination of and training on the Convention to all relevant professionals and implement said measures in an

ongoing and systematic manner; take specific measures to make the Convention available to and known by all children, especially those belonging to ethnic minorities;

(c) In the light of the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and articles 19, 28, paragraph 2, 37, among others, of the Convention, amend its current legislation to prohibit corporal punishment everywhere, including in the family, schools and childcare settings; carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;

(d) Amend the current legislation on adoption so as to ensure that it conforms to articles 2 and 3 of the Convention; take the necessary measures to monitor and supervise effectively the system of adoption of children in accordance with the principle of the best interest of the child; accede to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption;

(e) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by armed conflict, which also ensures their privacy.

B. Definition of the child

9. The Committee notes with concern that despite the Committee's previous recommendations (CRC/C/15/Add.223, para. 27), the legal age of marriage for girls is still 16 years of age, and that, under the State party's legislation, children who are married are considered to be adults.

10. **The Committee recommends that the State party amend its legislation and raise the marriage age for girls to 18 years, and also review the age limits set in different legislation in order to ensure that they conform to the principles and provisions of the Convention and under no circumstances lead to a child under the age of 18 being considered as an adult.**

Legislation

11. The Committee notes with concern that the provisions of the Convention have not been fully incorporated into the State party's domestic law. Furthermore, the Committee is concerned that, further to the decentralization process that has led to the formation of new provinces and districts, with each one responsible for delivering public services, several by-laws adopted at the provincial or district level are inconsistent with the provisions and principles of the Convention.

12. **The Committee urges the State party to take all necessary measures to ensure that:**

(a) The provisions of the Convention are fully incorporated into its domestic law;

(b) All provincial and district laws are consistent with the provisions of the Convention, including by the establishment of a specialized government institution to closely monitor the drafting and adoption of local and provincial laws and regulations that concern children.

Coordination

13. The Committee notes with concern that the Ministry for Women's Empowerment and Child Protection, which is responsible for the coordination and implementation of the Convention and the National Plan of Action for Children, lacks the necessary authority over governmental structures in provinces and districts to properly coordinate the activities to implement the Convention at all levels.

14. **The Committee urges the State party to provide the Ministry for Women's Empowerment and Child Protection with sufficient authority to coordinate and evaluate all activities relating to the implementation of the Convention at all levels. Furthermore, the Committee recommends that the State party take all necessary measures to ensure the cooperation of national, provincial and municipal authorities in the monitoring and implementation of the Convention.**

Allocation of resources

15. The Committee is concerned about the State party's total health expenditure of only 2.7 per cent of its gross domestic product in 2011, which it considers to be low. Furthermore, while welcoming the significant increase in the annual education budget, the Committee regrets that the budget is not sufficient to ensure education for all children in the State party.

16. **The Committee recommends that the State party:**

(a) Substantially increase the budget allocation for health to an adequate level;

(b) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.

Independent monitoring

17. While noting the capacity of the Child Protection Commission to receive complaints, the Committee regrets that the Commission's mandate is limited and it lacks the explicit authority to investigate complaints.

18. **In the light of its general comment No. 2 (2002) on the role of independent human rights institutions, the Committee recommends that the State party take all necessary measures to strengthen the mandate of the Child Protection Commission by providing it with the capacity to investigate and address complaints by children in a child-sensitive manner, ensure the privacy and protection of victims, monitor and follow-up cases. Furthermore, the Committee recommends that the State party ensure the independence of the Commission, including with regards to its funding, mandate and immunities, so as to ensure full compliance with the Paris Principles. To that effect, the Committee recommends that the State party seek technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and the United Nations Development Programme (UNDP), as applicable.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

19. While welcoming the State party's gender mainstreaming programme, the Committee is deeply concerned about discriminatory provisions that still remain in national legislation and the prevalence of de facto discrimination, including:

(a) Discrimination against girls regarding inheritance rights and the large number of girls still subject to various discriminatory regulations and everyday discrimination;

(b) Particular discrimination against children with disabilities in access to health care and education;

(c) Ongoing severe discrimination against children belonging to certain religious minorities and the State party's failure to deter attacks;

(d) Various forms of discrimination against children belonging to indigenous communities, such as insufficient access to education and health care.

20. **The Committee urges the State party to vigorously address all forms of de jure and de facto discrimination and to:**

(a) Repeal, without further delay, all laws which discriminate against girls, in particular with regards to inheritance, and eliminate negative attitudes, practices and deep-rooted stereotypes regarding girls by formulating a comprehensive strategy, with a clear definition of targets, and establishing an appropriate monitoring mechanism, and ensuring that a wide range of stakeholders, including girls and all sectors of society are involved in its coordination so as to facilitate social and cultural change and the creation of an enabling environment that promotes equality;

(b) Take all necessary measures to ensure equal access of children with disabilities to all public services, in particular health care and education;

(c) Take all necessary measures to eliminate discrimination against children based on their religion and end all forms of violence against certain religious minorities;

(d) Take all necessary measures, in particular improving the relevant infrastructure, to provide equal access to public services by children belonging to indigenous communities.

Best interests of the child

21. The Committee regrets that despite its previous recommendations (CRC/C/15/Add.223, paras. 33 and 34), the principle of the best interests of the child is not integrated into most child-related legislation in the State party. The Committee also notes with concern that decisions regarding adoption and custody are often taken on the basis of the child's religion, rather than his or her best interests, and that, according to Sharia law applicable to Muslims, in divorce proceedings decisions relating to custody of children are based on their age (CRC/C/15/Add.223, para. 45).

22. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that the right of the child to have his or her best interests taken into consideration is explicitly stated in the State party's domestic legislation and consistently applied in all legislative, administrative and judicial proceedings, as well as in all policies, programmes and projects relevant to and having an impact on children. In that regard, the Committee**

encourages the State party to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area, and for giving those interests primary consideration. The Committee also recommends that such procedures and criteria be disseminated to the public at large, including public and private social welfare institutions, courts of law, administrative authorities, legislative bodies and religious leaders.

Right to life, survival and development

23. The Committee is concerned about incidences of forced evictions of families, including children, without offering adequate reparation or alternative housing. Furthermore, the Committee deeply regrets that under the State party's legislation, forced evictions may be carried out even if they lead to homelessness.

24. **The Committee urges the State party to take all necessary legal measures to ensure that forced evictions are carried out only as a measure of last resort, always subject to adequate alternatives and that under no circumstance may evictions lead to homelessness.**

Respect for the views of the child

25. While welcoming the establishment of the National Forum for Child Participation, the Teen Parliament, the Indonesian Child Congress, the Child Council, Election of Young Leaders, and National Child Consultation, the Committee is concerned that:

(a) These forums are not fully inclusive;

(b) Children's opinions voiced in these forums are not sufficiently taken into consideration in decision-making processes;

(c) Law No. 23/2002 establishing the right of the child to be heard, requires that the right be applied in accordance with "morality and decency", which hampers effective, transparent implementation.

26. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) Ensure the participation of children in vulnerable situations, in particular children with disabilities and children belonging to religious or ethnic minorities, in the various children's forums;

(b) Provide for explicit means to take into consideration the opinions voiced by children in these forums in all decision-making processes that concern them;

(c) Amend its legislation in order to avoid any limitation to the child's right to be heard or to express his or her views;

(d) Take all appropriate measures to implement this right by ensuring that the different forums in which children can voice their opinions are always provided with all the necessary resources and by undertaking programmes and awareness-raising activities to promote the meaningful and empowered participation of all children in the family, community and schools.

D. Civil rights and freedoms (arts. 7, 8, and 13–17)

Birth registration, name and nationality

27. While welcoming Law No. 24 of 2014 on Civil Administration and the legal amendments entitling children of an Indonesian mother and a father who is not an

Indonesian national to acquire Indonesian citizenship, the Committee is concerned about the absence of a mechanism to oversee the implementation of the legislation at all levels. The Committee also notes with concern that a child's religion has to be indicated on his or her identity card, which may lead to discrimination. Furthermore, while welcoming free birth registration under national law, the Committee is concerned about:

(a) The uncertainty with regard to oversight at the central level to ensure that local governments do not charge birth registration fees despite the new law;

(b) Children risking statelessness if both parents are foreign nationals and cannot pass on their citizenship to the child owing to the law of their country.

28. **The Committee recommends that the State party ensure that all children born in Indonesia are registered and issued birth certificates, regardless of their nationality, religion and status at birth, and that birth registration is facilitated and free of charge everywhere and under all circumstances. The Committee also recommends that the State party remove the indication of religious affiliation on identity cards and close the gap in the law which may leave some children stateless. It further recommends that the State party accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Freedom of thought, conscience and religion

29. The Committee is deeply concerned about repressive government actions against the freedom of religion of children belonging to religious minorities that are not listed in Law No. 1 of 1965, in particular:

(a) The obligation to attend religious instruction in school in one of the six religions listed in Law No. 1 of 1965;

(b) The use of regulations against blasphemy and proselytizing to prosecute persons belonging to religious minorities not listed in Law No. 1 of 1965, including their children, and the draft law on "religious harmony", which carries the risk of increasing discrimination;

(c) Explicitly requiring non-Muslims to follow Sharia law in Aceh or as indicated by the State party, social pressure on non-Muslim students to wear Islamic dress at school.

30. **The Committee urges the State party to amend its legislation in order to effectively guarantee the right to freedom of thought, conscience and religion of children of all beliefs and take all necessary measures, including awareness-raising and public-education campaigns, to combat intolerance on the grounds of religion or other beliefs, promote religious dialogue in society, ensure that religious teachings promote tolerance and understanding among children from all communities and religious or non-religious backgrounds and combat every kind of social pressure on children to adhere to the rules of a religion with which he or she is not affiliated. Furthermore, the Committee urges the State party to take all necessary measures to ensure that non-Muslims are exclusively governed by secular law.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Sexual exploitation and abuse

31. The Committee regrets that preventive, recovery and reintegration measures for child victims are not sufficiently effective and that they are faced with several barriers in accessing justice. Furthermore, the Committee is deeply concerned about reports that the

number of child victims of sexual exploitation is rising, and that children who have become victims of sexual abuse may be treated as criminals instead of as victims.

32. **The Committee recommends that the State party strengthen its efforts to protect and prevent children from sexual abuse and exploitation and:**

(a) Develop a strategy to respond to the special needs of child victims of sexual exploitation and abuse and ensure their access to shelter, health, legal and psychological services; provide adequate training to professionals working in those services; ensure accessible, confidential and child-friendly reporting channels; and facilitate child victims' access to justice;

(b) Amend legislation to ensure that all children subject to any form of sexual exploitation are always treated as victims and are not subject to criminal sanctions.

Harmful practices

33. The Committee notes the State party's decision to revoke Regulation No. 1636 of 2010 on female circumcision by Ministry of Health Regulation No. 6 of 2014. However, the Committee notes that female genital mutilation (FGM), including the practice of so-called female circumcision, is not explicitly prohibited. It is gravely concerned about the large number of girls who have been victims to female genital mutilation (FGM).

34. **The Committee urges the State party to adopt legislation to fully prohibit FGM in all its forms and to:**

(a) Provide physical and psychological recovery programmes for victims of FGM, as well as establish reporting and complaints mechanisms accessible to girls who have been victims, or fear becoming victims of the practice;

(b) With the full participation of civil society and women and girls who are victims of FGM, set up awareness-raising campaigns and educational programmes on the harmful impact of FGM on the physical and psychological health of the girl child and ensure that the campaigns and programmes are systematically and consistently mainstreamed and that they target all segments of society, both women and men, government officials, families and all religious and community leaders;

(c) Fully criminalize the practice and ensure that practitioners are aware of its criminalization; involve practitioners in the efforts to promote abandonment of the practice; assist them in finding alternative sources of income and livelihood; and, where necessary, provide retraining for them.

35. The Committee deeply regrets the large number of early and forced marriages in the State party.

36. **The Committee urges the State party to seek effective measures to prevent and combat the practice of early or forced marriage, including all necessary legislative measures as well as awareness-raising and information campaigns on the harm and danger resulting from early marriage.**

Freedom of the child from all forms of violence

37. While welcoming Law No. 23 of 2004 on Domestic Violence, as well as the National Plan of Action on the Prevention and Eradication of Violence against Children (2010–2014), the Committee is deeply concerned about:

(a) The many cases of violence against children in detention and at all trial phases;

(b) Girls being frequently subjected to violence and facing considerable difficulties to obtain protection, including access to justice. The Committee notes in this regard that the formal justice system is often inaccessible due to prohibitive costs and women and girls are referred to alternative dispute-resolution mechanisms, in particular religious courts, which frequently discriminate against them and eventually exclude them from the decision-making process.

38. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to take all necessary measures to:**

(a) Establish adequate monitoring mechanisms to effectively eliminate violence against children in conflict with the law;

(b) Ensure that girls are adequately protected from all forms of violence, and are supported by programmes that provide financial and legal aid to enable full access to the formal justice system.

Helplines

39. While welcoming the State party's establishment of a child helpline, in cooperation with national and international NGOs, the Committee is concerned about the lack of coverage in all provinces, the lack of awareness by the public at large about the helpline, and the lack of sufficient counsellors.

40. **The Committee recommends that the State party increase the human, technical and financial resources for the helpline to ensure that children in every province are aware of and have 24-hour access to the helpline and that sufficient follow-up is provided to them. Furthermore, the Committee recommends that adequate training be provided to counsellors.**

F. Family environment and alternative care (arts. 5, 9–11, 18 (1 and 2), 20, 21, 25 and 27 (4))

Family environment

41. The Committee is deeply concerned that polygamy is still permitted – a situation which is contrary to the dignity of women and girls entering such marriages and which negatively affects the children of such marriages.

42. **The Committee urges the State party to ensure that all provisions in its legislation that discriminate against women and ultimately have a negative impact on their children, such as provisions authorizing polygamy, be repealed.**

Children deprived of a family environment

43. The Committee welcomes the strengthening of the role of the family in child care through the introduction of several programmes aimed at reducing poverty, as well as the adoption of the National Standard for Child Care, in 2011, which, inter alia, promotes family support systems, family-based alternative care and specifies institutional care standards. However, the Committee is concerned about:

(a) Poor families who may still be unable to meet their children's basic needs and who find themselves obliged to give up the care of their children;

(b) The small number of family-based placements of children and the continued widespread use of institutionalization;

(c) The very limited requirements for obtaining a licence to run an alternative-care institution;

(d) The lack of compliance by most institutions with the standards introduced in the National Standard for Child Care; the absence of compliance monitoring; frequent incidences of violence within institutions; and children living in institutions lacking the possibility to meet their families;

(e) The lack of an adequate system of disaggregated data collection on children living in institutions.

44. **The Committee recommends that the State party:**

(a) Further strengthen support to biological families and provide community-based assistance to families for child-rearing, including by trained social workers;

(b) Provide family-type care wherever possible for children who cannot stay with their families, with a view to reducing the institutionalization of children;

(c) Reinforce the requirements for obtaining a licence to run an alternative-care institution;

(d) Ensure periodic review of the placement of children in institutions, and monitor the quality of care therein, including by providing accessible channels for monitoring and remedying maltreatment of children, and ensure that children are given the possibility to meet with their families;

(e) Establish a centralized data collection system on children living in institutions, disaggregated by age, sex and economic background.

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33)

Children with disabilities

45. While welcoming the National Plan of Action on Disabilities 2013–2022, the Committee is seriously concerned about the situation of children with disabilities, in particular:

(a) Children with disabilities, in particular girls, who face multiple forms of discrimination in exercising their rights, including their right to education and health care;

(b) The many children with disabilities who are hidden or placed in institutions because of social stigma or the economic cost of raising them;

(c) The small number of children with disabilities attending school and having access to health care, special services and rehabilitation centres;

(d) The absence of systematic data collection on children with disabilities.

46. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party make every effort to implement the National Plan of Action on Disabilities 2013–2022, and urges the State party to:**

(a) Amend its legislation to ensure that discrimination on th grounds of disability is expressly prohibited and ensure that all provisions resulting in de facto discrimination of persons with disabilities are repealed;

(b) Conduct awareness-raising and educational campaigns aimed at eliminating all kinds of de facto discrimination, in particular attitudinal and environmental barriers, against children with disabilities, inform and sensitize the public about the rights and special needs of children with disabilities and ensure that children with disabilities are provided with adequate financial support and have full access to social and health services;

(c) Ensure that children with disabilities can fully exercise their right to education and take all necessary measures to provide for their inclusion in the mainstream school system;

(d) Collect specific and disaggregated data on children with disabilities so as to adapt policies and programmes to their needs.

Health and health services

47. The Committee welcomes the Healthy Village development policy, the increase in the number of community health centres, the programme on Birth Preparedness and Complication Readiness, the efforts to reduce disease and malnutrition as well as the decrease of infant and under-5 mortality rates since 1990. However, the Committee is very concerned about:

(a) The still high percentage of neonatal, infant and under-5 mortality, particularly as a result of diarrhoea and pneumonia, and the large number of children below the age of 5 who are suffering from stunting and underweight;

(b) The rate of maternal mortality which remains particularly high;

(c) The disparity maternal and infant mortality rates among provinces;

(d) The absence of specific public health regulations on preventive health issues, such as immunization, as well as the unsatisfactory implementation of the immunization programme;

(e) Continuing deficits regarding infrastructure and support for health care facilities, as well as health workers' skills and their irregular attendance at work.

48. **In the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee urges the State party to increase its health budget and expand access to primary health-care services across all provinces. It should ensure that those services are accessible and affordable for populations in both urban and rural areas, independent of their economic background, and in particular:**

(a) Ensure the provision of primary health-care services for all pregnant women, including access to antenatal care, safe delivery care, emergency obstetric care as well as postnatal care, as well as for children, focusing on interventions to reduce preventable and other diseases, particularly diarrhoea, acute respiratory infections and undernutrition, and promote good feeding practices for infants and young children;

(b) Strengthen and expand access to preventive health care and therapeutic services for all pregnant women and children, particularly infants and children under the age of 5, including universal immunization services, oral rehydration therapy and treatment for acute respiratory infections;

(c) Provide sufficient free professional assistance before and during childbirth, including in remote and rural areas, and make all necessary efforts, including emergency obstetric intervention, to reduce maternal mortality;

(d) Recruit, train and monitor more health-care providers, improve health-care infrastructure and ensure that health-care services include access to sanitation and clean drinking water.

Adolescent health

49. While welcoming the National Action Plan for Teenage Reproductive Health and the Adolescents Friendly Health Service as part of the reproductive health programmes, the Committee is concerned that adolescents encounter difficulties in accessing reproductive health care and education as under the Population and Family Development Law and the Health Law, access to sexual and reproductive health services may only be granted to legally married couples, which excludes the vast majority of adolescents. The Committee is also concerned that, despite provisions for reproductive health services in the Population and Family Development Law and the Health Law, unmarried women and girls are not eligible to avail themselves of those health benefits. The Committee is further concerned that:

(a) Certain services relating to reproductive health require the consent of parents or husbands; in particular married adolescent girls have to seek their husband's permission to obtain certain types of contraceptive services from Government-run health facilities;

(b) Unmarried adolescent girls, including rape victims, may be unable to access reproductive health services because they are not aware that they are entitled to them or they fear stigmatization, which leads to, inter alia, sexually transmitted diseases, a high rate of adolescent pregnancies, the risk of unsafe abortions, forced marriage at a young age and school dropout.

50. **In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party:**

(a) Amend its laws to ensure adolescents, especially girls, have full and unconditional access to information and services regarding sexual and reproductive health and contraception, without the need for consent from parents or husbands, and ensure that their requests are treated in a confidential manner;

(b) Develop and implement a policy aimed at protecting the rights of pregnant teenagers, adolescent mothers and their children and combating discrimination against them.

HIV/AIDS

51. The Committee is deeply concerned about the continued increase in the prevalence of HIV/AIDS between 2000 and 2009 and the insufficient measures taken by the State party to effectively address the pandemic. The Committee notes with concern the increase in the number of persons with HIV/AIDS in Papua, in general, and the increase in the number of women with HIV/AIDS, in particular, which has led to the rise in HIV infection in children.

52. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee urges the State party to develop and strengthen policies and programmes to prevent the spread of HIV/AIDS and to provide care and support for children infected or affected by HIV/AIDS. Furthermore, the Committee urges the State party to sustain the measures in place to prevent mother-to-child transmission of HIV/AIDS, provide for counselling and improve follow-up treatment for HIV/AIDS-infected mothers and their infants so as to ensure early diagnosis and initiation of treatment.**

Drug and substance abuse

53. The Committee notes with concern that drug consumption by youth has increased considerably in recent years.

54. **The Committee recommends that the State party allocate all the necessary human, technical and financial resources to address drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information aimed at avoiding and preventing substance abuse, including tobacco and alcohol, and develop accessible and youth-friendly drug dependence treatment and harm reduction services as well as life skills education.**

Breastfeeding

55. The Committee is concerned about the low rate of breastfeeding in the State party, noting in particular that only 42 per cent of Indonesian children are exclusively breastfed for the first six months of their lives.

56. **The Committee recommends that the State party strengthen the promotion of breastfeeding, including by establishing a programme to promote the benefits of breastfeeding and enable all mothers to exclusively breastfeed their infants for the first six months of their life. The Committee further recommends that the State party adopt the World Health Organization (WHO) International Code of Marketing of Breast-milk Substitutes.**

Standard of living

57. The Committee welcomes the measures taken by the State party with regard to poverty eradication and social assistance, in particular the National Community Empowerment Program (PNPM) and Law No. 6 of 2014 on Villages, which are aimed at reducing disparities among regions. However, the Committee is deeply concerned about:

(a) The estimated 13.8 million children living below the national poverty line, and the 8.4 million children living in extreme poverty;

(b) The decentralization process, which has led to the formation of many new provinces and districts and thereby given rise to disparities among regions in access to public services such as birth registration, basic education and clean drinking water;

(c) The urban–rural, ethnic and gender disparities regarding poverty, with children in Papua being particularly disadvantaged;

(d) Social assistance programmes for education not reaching the poorest children who are out of school and therefore unable to access the social protection scheme;

(e) Rural and indigenous women being faced with particular poverty, which leads to poorer outcomes for their children.

58. **The Committee recommends that the State party develop a holistic anti-poverty strategy and take all necessary measures to understand and address the root causes of, and eliminate, child poverty. It also recommends that the State party:**

(a) Establish poverty reduction strategies and programmes at all levels, paying particular attention to rural and remote areas, ensure equitable access to basic services, in particular adequate nutrition, housing, water and sanitation, as well as education, social and health services, and provide material assistance to economically disadvantaged families;

(b) Adapt social assistance programmes for education to ensure access by children who are out of school;

(c) Establish adequate support programmes to improve the situation of rural and indigenous women in order to keep them and their children out of poverty in a sustainable manner;

(d) Provide for sufficient, adequately trained social workers capable of identifying families and children at risk, manage the social schemes effectively and follow up on their implementation.

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

59. While welcoming the programme for universal education up to the age of 18, the Committee is very concerned about the large number of children of compulsory school age who are out of school, particularly in Java, and about the obstacles to access to, and quality of, education. It is particularly concerned that:

(a) Education is accessible by citizens only, which excludes children who do not have a birth certificate, refugee children and children of migrant workers;

(b) A significant number of children, in particular those from poor families, stop going to school owing to high education fees or other costs such as for books and uniforms;

(c) Measures to prevent adolescent girls from dropping out of school in case of pregnancy are lacking, pregnant girls are expelled from schools or discouraged from continuing their education during pregnancy and married children frequently discontinue their education;

(d) There is a high occurrence of violence at school, including on the part of the teaching personnel, a large number of teachers do not have the minimum qualifications required by the Government and teachers often do not go to work.

60. **Building on its previous recommendation (CRC/C/15/Add.223, para. 63), the Committee urges the State party to take prompt measures to ensure that quality education is accessible by all children in the State party. It further urges the State party to:**

(a) Ensure that education is available to all asylum-seeking and refugee children, children of migrant workers and children who do not have a birth certificate;

(b) Increase funding for education, with particular focus on families living in the poorest and most remote districts, and take concrete action to effectively address the reasons for failure to complete schooling;

(c) Ensure that married adolescents, pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools and that they can combine child rearing and completing education;

(d) Increase the number of teachers, provided adequate training for them and ensure that they present themselves for work;

(e) Take all necessary measures, including developing school-specific action plans and regular school inspections, aimed at putting an end to corporal punishment and other forms of violence in school, including bullying.

Early childhood development

61. The Committee is concerned about the economic and urban rural disparities with regard to attendance of preschool education programmes, insufficient budget allocations for early childhood care and education, inadequate infrastructure and lack of adequate personnel in early childhood care and education in remote areas.

62. **The Committee recommends that the State party ensure that early childhood care and education is free and that institutions are accessible, including for children living in remote areas, adequately staffed and furnished, and able to provide early childhood care and education in a holistic manner, including with regard to overall child development and strengthening parental capacity.**

Rest, leisure, recreation and cultural and artistic activities

63. While noting that article 11 of Law No. 23 of 2002 regarding Child Protection provides for the right of children to vacation, recreation and cultural and artistic activities, the Committee is concerned that this right is not given sufficient attention and that not enough efforts are being made towards its implementation.

64. **In the light of its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party pay adequate attention to planning leisure and cultural activities for children, taking into consideration the physical and psychological development of the child, as well as promote these rights among parents, teachers and community leaders. The Committee also recommends that the State party seek assistance from the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNICEF in this regard.**

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d), 38–40)

Asylum-seeking and refugee children

65. The Committee is highly concerned about the insufficient protection for asylum-seeking and refugee children, in particular about unaccompanied children being left without guardianship and not given free legal representation. Furthermore, the Committee is deeply concerned about the detention of children in immigration detention facilities for months or years, under squalid and violent conditions, without judicial review. It is particularly concerned about:

(a) Instances of severe brutality by immigration officials and guards experienced and/or witnessed by children;

(b) the extremely poor conditions in the detention facilities, including overcrowding, inadequate sanitation facilities and insufficient and bad quality food;

(c) Unaccompanied children frequently detained with unrelated adults and denied the possibility of contacting their families;

(d) Lack of access to education and only limited access to recreation and health care.

66. **In the light of its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee urges the State party to bring its immigration and asylum legislation into full compliance with the Convention on the Rights of the Child and other relevant**

international standards. It further urges the State party to take all necessary measures to adequately address the situation of asylum-seeking children, and in particular:

(a) Ensure that the best interests of the child are always given primary consideration in all immigration and asylum processes and that unaccompanied asylum-seeking children are provided with adequate guardianship and free legal representation;

(b) Cease the administrative practice of detaining asylum-seeking and refugee children;

(c) Stipulate strict behavioural rules for guards and officials at detention facilities and ensure that the facilities are regularly assessed by an independent monitoring body;

(d) Ensure that, in all circumstances, children are separated from unrelated adults, have access to sufficient food, clean drinking water and sanitation, as well as health care, education and recreation;

(e) Accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

Children belonging to minority or indigenous groups

67. The Committee is deeply concerned about the difficulties faced by religious minorities, in particular:

(a) Insufficient protection from and investigation into violent attacks against persons belonging to religious minorities, including children;

(b) Insufficient assistance to victims, many of whom have lost their homes in attacks and have had to stay in temporary shelters for several years, without sufficient access to clean drinking water and sanitation, food or health care;

(c) Children belonging to religious minorities not listed in Law No. 1 of 1965, often being denied legal documents, such as identification, marriage or birth certificates, as well as access to various public services.

68. **The Committee urges the State party to take all necessary measures to combat and eliminate all forms of violence against persons belonging to religious minorities, provide them with all the necessary effective protection and reparation, and bring perpetrators to justice. The Committee further urges the State party to amend its legislation and ensure that all children belonging to religious minorities not listed in Law No. 1 of 1965 have access to all public services and legal documents they have previously been denied.**

69. The Committee is furthermore concerned about the situation of children belonging to indigenous communities, in particular Papuans, who are subjected to poverty, militarization, extraction of natural resources on their lands, as well as poor access to education and health care.

70. **In the light of its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee urges the State party to take all necessary measures to eliminate poverty among indigenous communities and monitor progress in that regard, as well as provide for their equal access to all public services, pursue demilitarization efforts and ensure the prior informed consent of indigenous peoples with regard to exploitation of the natural resources in their traditional territories.**

Economic exploitation, including child labour

71. The Committee welcomes the National Plan of Action for the Elimination of the Worst Forms of Child Labour and the Child Labour Reduction Programme. However, the Committee is deeply concerned about the high prevalence of child labour in the State party, which is significantly higher in rural areas than in urban areas. It is particularly concerned about:

(a) The large number of children exposed to hazardous conditions or the worst forms of child labour working in mines, offshore fishing, construction sites and quarries, and as domestic workers or sex workers;

(b) The absence of provisions on forced labour and of laws regulating the work of children between 16 and 18 years of age;

(c) The large number of child domestic workers, some of whom are only 11 years old, their early dropout from school and their vulnerability to violence and exploitation, including physical, psychological and sexual abuse, child trafficking and forced labor, and their exclusion from the Manpower Act which affords basic labour rights; and

(d) The implementation of the National Plan of Action for the Elimination of the Worst Forms of Child Labour being hampered by a general perception of work as being part of the education process, preparing the child for adult life and a service to parents, and perception of the child as being a "family asset", as well as coordination difficulties following the introduction of regional autonomy.

72. **The Committee urges the State party to make every effort to ensure that children who work, do so in accordance with international standards. In particular, it urges the State party to:**

(a) Ensure that no child is exposed to any hazardous conditions or the worst forms of child labour, and that the involvement of children in labour is based on genuine free choice, in accordance with international regulations, subject to reasonable time limits and does not in any way hamper their education;

(b) Amend legislation to criminalize forced labour and regulate the work of children between 16 and 18 years of age; vigorously pursue the enforcement of all minimum-age standards; appoint sufficient labour inspectors and provide them with all the necessary resources, including child labour expertise, to monitor the implementation of labour standards at all levels, in all parts of the country and in every kind of informal work;

(c) Amend legislation to ensure that domestic workers can benefit from all existing labour rights and receive special protection, including free legal aid, with regard to the particular conditions and dangers that they are subject to, such as sexual harassment;

(d) Ensure that thorough investigations and robust prosecutions of persons violating labour laws and that sufficiently effective and dissuasive sanctions are imposed in practice;

(e) Actively disseminate information about children's rights in relation to work under the Convention at national, regional and local level, ensuring the active participation of stakeholders and leaders, as well as the involvement of the media;

(f) Establish a centralized data collection system to obtain independently verifiable data on children engaged in work. The data should be disaggregated by the type of labour, age, sex, geographic location, ethnicity and socioeconomic background;

(g) Ratify and implement International Labour Organization (ILO) Convention No. 189 concerning Decent Work for Domestic Workers;

(h) Seek technical assistance from the ILO International Programme on the Elimination of Child Labour in this regard.

Children in street situations

73. While welcoming the State party's prevention and recovery programmes, the Committee is concerned about the significant number of children working and living in the streets and their vulnerability to various prevalent risks, including drug use, sexual abuse and economic exploitation. The Committee is also deeply concerned about the prevailing legal approach advocated in local regulations that treat children in street situations as criminals instead of as victims, and the severe violence to which they are subjected by law enforcement agents, especially during sweep operations.

74. **The Committee recommends that the State party allocate all necessary human, technical and financial resources to comprehensively apply a child-protection-based approach to dealing with children in street situations, and in particular:**

(a) Undertake a systematic assessment of the conditions of children in street situations in order to obtain an accurate picture of the root causes and magnitude;

(b) Amend all legislation that treats children in street situations as criminals and take all necessary measures to protect them from violence, in particular law enforcement violence;

(c) Develop and implement, with the active involvement of the children themselves, a comprehensive policy that addresses the root causes of the phenomenon in order to prevent and reduce it;

(d) In coordination with non-governmental organizations (NGOs), provide children in street situations with the necessary protection, including access to nutrition and shelter, a family environment, adequate health-care services, the possibility of attending school and access to other social services;

(e) Support family reunification programmes when that is in the best interests of the child.

Sale, trafficking and abduction

75. The Committee welcomes the recent ratification by the State party of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. However, the Committee is very concerned about the high prevalence of trafficking within the State party and the large number of underage children involved in sex work. While welcoming the adoption of Law No. 21 of 2007 on Eradication of Trafficking in Persons, the Committee is concerned that the law fails to define child trafficking in a comprehensive manner, with the danger that many cases of child trafficking are not considered as such by the law. Furthermore, the Committee notes with concern that the Anti-Trafficking in Persons Task Force that was formed by the Government is not sufficiently effective and many districts are still not covered by the task force.

76. **The Committee urges the State party to improve and extend the Anti-Trafficking in Persons Task Force to cover every part of the country and take vigorous measures to effectively eliminate child trafficking. In particular, it urges the State party to:**

(a) Amend its legislation to ensure that child trafficking in all its forms is comprehensively defined and criminalized, develop targeted policies and programmes to prevent trafficking and ensure that adequate law enforcement measures are taken to bring perpetrators of sale of children, trafficking and abduction of children to justice;

(b) Carry out research on the root causes of child trafficking with a view to eliminating it, identify children at risk of being trafficked and/or becoming victims of crimes under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and provide for sufficient and adequate reintegration and rehabilitation services for child victims.

Administration of juvenile justice

77. The Committee welcomes the adoption of Law No. 11 of 2012 on the Juvenile Justice System, which raises the minimum age of criminal responsibility and prioritizes the use of restorative justice. However, the Committee notes with concern that the minimum age of criminal responsibility still remains very low at 12 years of age. Furthermore, the Committee is concerned at the large number of children sentenced to jail even for petty crimes, and that they are often detained with adults in poor conditions. The Committee is also concerned at the lack of social reintegration measures for children in conflict with the law.

78. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee recommends that the State party:**

(a) Consider raising the minimum age of criminal responsibility to at least 14 years of age;

(b) Ensure that all professionals responsible for the implementation of the juvenile justice law receive the necessary training thereon;

(c) Ensure allocation of all the appropriate human, technical and financial resources to allow effective implementation of the law;

(d) Ensure that deprivation of liberty is used only as a measure of last resort and for the shortest amount of time, children are not detained with adults and detention conditions are compliant with international standards, including with regard to access to nutrition, clean water and sanitation, education and health services;

(e) Further promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service and provide for access to adequate rehabilitation and reintegration programmes.

J. Ratification of international human rights instruments

79. **In order to further strengthen the fulfilment of children's rights, the Committee recommends that the State party ratify the core human rights instruments to which it is not yet a party, namely, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Convention on the Elimination of Discrimination against Women, the Optional Protocol to the**

Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

K. Cooperation with regional and international bodies

80. The Committee recommends that the State party cooperate with, among others, the Association of Southeast Asia Nations (ASEAN) Commission on the Promotion and Protection of the Rights of Women and Children.

L. Follow-up and dissemination

81. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented by, inter alia, transmitting them to the Head of State, Parliament, the relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.

82. The Committee further recommends that the combined third and fourth periodic reports, the written replies of the State party and the present concluding observations be made widely available in the languages of the country, including, but not exclusively, through the Internet, to the public at large, civil society organizations, the media, youth groups, professional groups and children.

M. Next report

83. The Committee invites the State party to submit its combined fifth and sixth periodic reports by 7 October 2019 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation of the report for the purposes of consideration by the treaty body cannot be guaranteed.

84. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I). The word limit for the common core document is 42,400 words, as established by the General Assembly in its resolution 68/268 (para. 16).